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File: OZ-8271
2 of 5
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: THE CITY OF LONDON PORTION OF 290 HALE STREET PUBLIC PARTICIPATION MEETING ON MARCH 4, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of the City of London relating to a portion of the property located at 290 Hale Street:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 18, 2014 to amend Schedule 'A' of the Official Plan to change the designation of the subject lands **FROM** a Light Industrial designation, **TO** an Open Space designation;
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on March 18, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Light Industrial (LI2) **TO** an Open Space (OS4) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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OZ-8120 – June 18, 2013, June 20, 2013 Reports to Planning Committee

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this Official Plan and zoning change is to identify and protect significant natural heritage features on the subject sites where they exist and remove the natural heritage designation where no significant features have been identified as being present.

Municipal Council has directed City Staff to undertake a review of "Unevaluated Vegetation Patches" shown on Schedule "B-1" of the Official Plan that are not shown as "Open Space" or "Environmental Review" on Schedule "A" of the Official Plan in an effort to make the schedules align with each other.

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RATIONALE

- i) The recommended amendment is consistent with the Provincial Policy Statement, 2005.
- ii) The recommended amendment is consistent with the City of London’s Official Plan,
- iii) The recommended amendment reconciles the inconsistencies between Schedules “A” and ‘B-1’
- iv) Provides protection under the “Tree Conservation By-law” for certain woodlands which are currently unprotected.
- v) Removes ecological designations on lands/features which do not provide significant ecological functions and allows these lands to be developed in conformity with their underlying designation.

PLANNING HISTORY

Through a previous planning application that was processed by municipal Staff a discrepancy between the Official Plan, Schedule “A” Landuse map and Schedule ‘B-1’ Natural Heritage Features map was identified in which the woodlands identified on Schedule ‘B-1’ was not identified on Schedule “A”. In an effort to avoid future inconsistencies of the same nature Council directed staff on August 27, 2013 to identify all Unevaluated Vegetation Patches on Schedule ‘B-1’ that are not protected by an appropriate land use designation on Schedule “A” of the Official Plan. Once identified, Staff were directed to determine the significance of each vegetation patch and make the appropriate changes to Schedules “A” and ‘B-1’.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Middlesex London Health Unit:

The Middlesex-London Health Unit (MLHU) recognizes the need to identify and protect significant natural heritage features on subject sites where they exist and to remove the natural heritage designation where an evaluation has not identified the presence of a significant feature. In order to do this, Municipal Council directed City Staff to undertake a review of “Unregulated Vegetation Patches” shown in Schedule B-1 of the Official Plan that are not shown as “Open Space” or “Environmental Review” on Schedule A of the Official Plan has been conducted in order to ensure that both schedules’ are aligned. This has resulted in 26 applications for amendment to the Official Plan & Zoning By-law.

In general, the MLHU supports the proposed amendments that result in designation changes that protect numerous natural heritage features throughout the city. These amendments align with the policies contained within the Provincial Policy Statement (2005), the City of London Strategic Plan (2011 – 2014), policies within the City of London Official Plan (2006) and key directions provided by the ReThink London Discussion papers (2013).

City of London Strategic Plan and Official Plan Policies

Protecting natural areas is consistent with the Strategic Result of ‘A Green and Growing City’ to “value and protect our environment”. In addition, several Official Plan policies support protecting areas within the city for integration into the City’s overall parks network and to protect significant features and ecological functions (Sections: 8 - Open Space Land Use Designation and 15 - Environmental Policies). Preserving such spaces serves to enhance the City’s image as the Forest City’, and provide a break in the urban landscape.

Provincial Policy Statement

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1.5 Public Spaces, Parks and Open Space

1.5.1 Healthy, active communities should be promoted by:

b) providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, trails and where practical, water-based resources;

2.1 Natural Heritage

2.1.4 development and site alteration shall not be permitted in:

b) significant woodlands south and east of the Canadian Shield unless it has been demonstrated that there will be not negative impacts on the natural features or their ecological functions.

ReThink London Discussion Papers

Building a Greener City - Community consultations identified the need for greater conservation of natural resources, protection of our natural heritage, environmental management and promoting “Natural Capital” such as woodlands and Environmentally Significant Areas.

Building Strong and Attractive Neighbourhoods – Community consultations also identified the need to protect what we cherish by protecting the environment, establishing ecological connections between woodlands, environmentally significant areas and corridors.

The Value in Preserving Natural Heritage Features

As the city of London continues to grow and expand, preservation of natural areas ensures that habitats and species unique to the area will be protected. These areas will also provide Londoners for generations to come with a means to connect with nature and opportunities to find refuge from city life. Evidence indicates that access to natural features helps to support both the physical and mental well-being of individuals as well as that of neighbourhoods and communities (Johnson & Marko, 2007; Canadian Institute of Planners, 2010). Protecting these natural areas will serve to enhance the parks and trails systems already in existence within the Forest City.

Conclusion

City Council is to be commended for taking action to ensure that significant natural heritage features are protected and remain protected and accessible. Current as well as future generations stand to benefit from these measures that “provide a balanced approach to preserving and protecting our natural environment, knowing it is essential to our prosperity, sustainability and quality of life” (City of London Strategic Plan, 2011 – 2014, p.15).

EEPAC requested the following:

- a) any woodland that is not deemed significant as the result of a desktop exercise be classified as “Environmental Review” until the woodlands’ significance can be determined through the completion of more detailed environmental studies; and,*
- b) the EEPAC receive the desktop exercise results for the patches, if possible.*

Ministry of Natural Resources - *This OPA/ZBA proposes to amend Schedule B-1 from unevaluated vegetation patch to significant woodland on the subject site. There appears to be unevaluated wetland within the area identified as significant woodland/ open space in the Notice of Application. However there are additional unevaluated wetlands outside of the area identified for open space (e.g. the lands that are west of the stream and back onto the residential subdivision).*

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PUBLIC LIAISON:	On November 18 th , 2013, Notice of Application was sent to all property owners within 120 metres of the properties which were subject to a proposed change. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on October 31 st , 2013.	2 replies were received
Nature of Liaison:		
<p>The purpose and effect of this Official Plan and zoning change is to identify and protect significant natural heritage features on the subject sites where they exist and to remove the natural heritage designation where an evaluation has not identified the presence of a significant feature.</p> <p>Municipal Council has directed City Staff to undertake a review of “Unevaluated Vegetation Patches” shown on Schedule “B-1” of the Official Plan that are not shown as “Open Space” or “Environmental Review” on Schedule “A” of the Official Plan in an effort to make the schedule’s align with each other.</p>		
Responses:		
<p>31 Firestone Blvd (no longer part of study)</p> <ul style="list-style-type: none"> - Concerned on how it would affect the sale of the subject site. - Is opposed to the change on their property. 		

ANALYSIS

Patch 04004 (290 Hale St):

Review of Patch 04004 as a whole has determined that it meets 3 Official Plan Significant Woodland Criteria. The majority of this patch is City-owned and located within Kiwanis Park – Central South. The Staff recommendation applies a portion of the overall woodland which is not contained on City-owned lands and is appropriate to ensure its protection since it’s a component of the overall vegetation patch. This identified portion is currently not protected by the underlying Zoning or Official Plan designation. Given that such a small portion of the patch is currently not designated and zoned to avail of protection under the Tree Conservation By-law, it is recommended that Schedule ‘B-1’ be amended to match the designation of this portion with that of larger woodland as an Unevaluated Vegetation Patch. Therefore, it is also appropriate to re-designate the identified portion of the patch on Schedule “A” as Open Space and re-zone the portion of the patch to an Open Space (OS4) Zone to implement the revised Official Plan designation and conform to the abutting zone.

CONCLUSION

This report is being tabled in response to a Council resolution to review unevaluated vegetation patches in the City that are not protected by either the Zoning By-law or Official Plan. Staff has identified a strategy which separates these vegetation patches into four separate categories based on the required course of action. The subject sites fall under Category 2 as the lands are recommended to be rezoned and re-designated through this report to protect their ecological function or recognize that they no longer provide an ecological function due to their site alteration or provincial land use permissions.

Agenda Item # Page #

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PREPARED BY:	REVIEWED BY:
MIKE CORBY CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
SUBMITTED BY:	RECOMMENDED BY:
ANDREW MACHPERSON, OALA MANAGER, ENVIRONMENTAL AND PARKS PLANNING	JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

January 29, 2014
MC/mc

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Responses to Public Liaison Letter and Publication in “Living in the City”

<u>Written</u>
Rob Kirk 31 Firestone Blvd, London ON, N5W 6e6
Dorothy Stewart 46 Rockwyn Cres, London ON

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**Bibliography of Information and Materials
OZ-8271**

Request for Approval:

City of London Official Plan and Zoning By-law Amendment Application Form, completed by The City of London, October 11, 2014.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

City of London. Ecologist Report on Schedule "B-1" Patch Evaluations

Correspondence: (all located in City of London File No. Insert File No. OZ-8271 unless otherwise stated)

City of London –

Clavet, Y., Storm Water Management Unit. Email to M. Corby, December 5, 2013

Departments and Agencies -

Crieghton C., UTRCA. Various Memo's to M. Corby. December 18, 2013.

Lysynski L., EEPAC. Letter to M. Corby. January 29, 2014.

McClure K., Ministry of Municipal Affairs and Housing (MMAH). E-mail to M. Corby, December 16, 2013.

Dalrymple, D., London Hydro. Memo to M. Corby. November 20, 2013.

McCall B., Middlesex-London Health Unit. E-mail to M. Corby, December 2, 2013.

Legault D., NAV Canada. Letter to M. Corby, November 25, 2013

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. C.P.-1284-_____

A by-law to amend the Official Plan for the City of London, 1989 relating to a portion of 290 Hale Street.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13.*

PASSED in Open Council on March 18, 2014.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

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AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the designation of certain lands described herein to Open Space on Schedule "A", Land Use, to the Official Plan for the City of London to protect the natural features identified.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to a portion of land located at 290 Hale Street in the City of London.

C. BASIS OF THE AMENDMENT

The recommended Official Plan amendment to protect unevaluated vegetation patch 04004 on Schedule "A" Land Use of the Official Plan is appropriate after reviewing the significance of the existing woodland as per O.P. Policy 15.4.5.1 and determining that it meets the required Official Plan Significant Woodland Criteria.

D. THE AMENDMENT

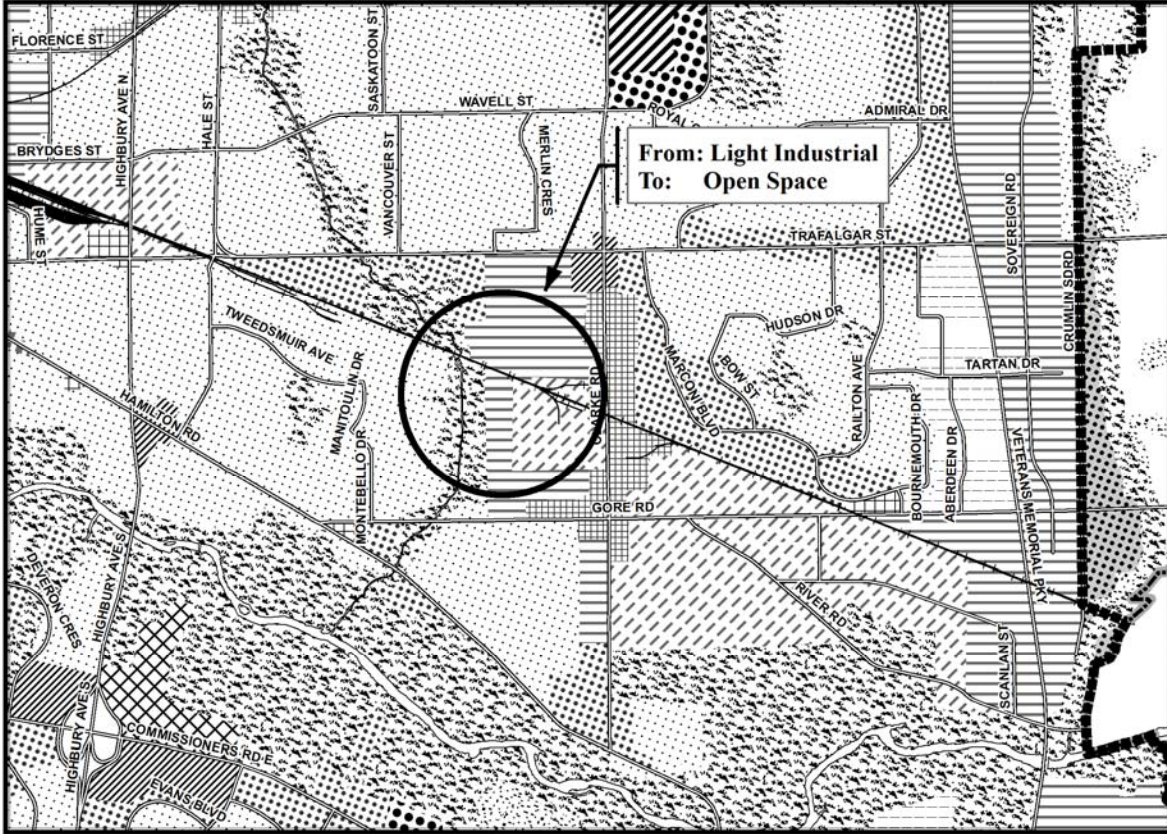
The Official Plan for the City of London is hereby amended as follows:

1. Schedule "A", Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands located at 290 Hale Street in the City of London, as indicated on "Schedule 1-7" attached hereto **FROM** Light Industrial **TO** Open Space.

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AMENDMENT NO:

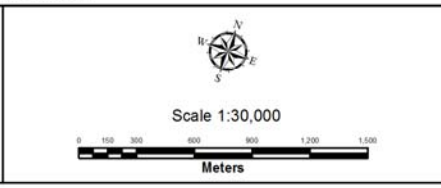


Legend

Downtown	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth
Multi-Family, Medium Density Residential	Rural Settlement
Low Density Residential	Environmental Review
Office Area	Agriculture
Office/Residential	Urban Growth Boundary

This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

**SCHEDULE 1-7
 TO
 OFFICIAL PLAN**
 AMENDMENT NO. _____
 PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8271_7
 PLANNER: MC
 TECHNICIAN: CK
 DATE: 2014/02/07

PROJECT LOCATION: e:\planning\projects\p_official\plan\work\consolid\amendments\OZ-8271\Map7_31_Firestone_Blvd_290_Hale_St\mxds\OZ-8271_7_OPA_sch_amendment.mxd

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Appendix "B"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. Z.-1-14_____

A by-law to amend By-law No. Z.-1 to
rezone a portion of 290 Hale Street.

WHEREAS The City of London has applied to rezone a portion of land located at 290 Hale Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable a portion of land located at 290 Hale Street, as shown on the attached map compromising part of Key Map No. A.108, **FROM** a Light Industrial (LI2) Zone **TO** an Open Space (OS4) Zone.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on March 18, 2014.

Joe Fontana
Mayor

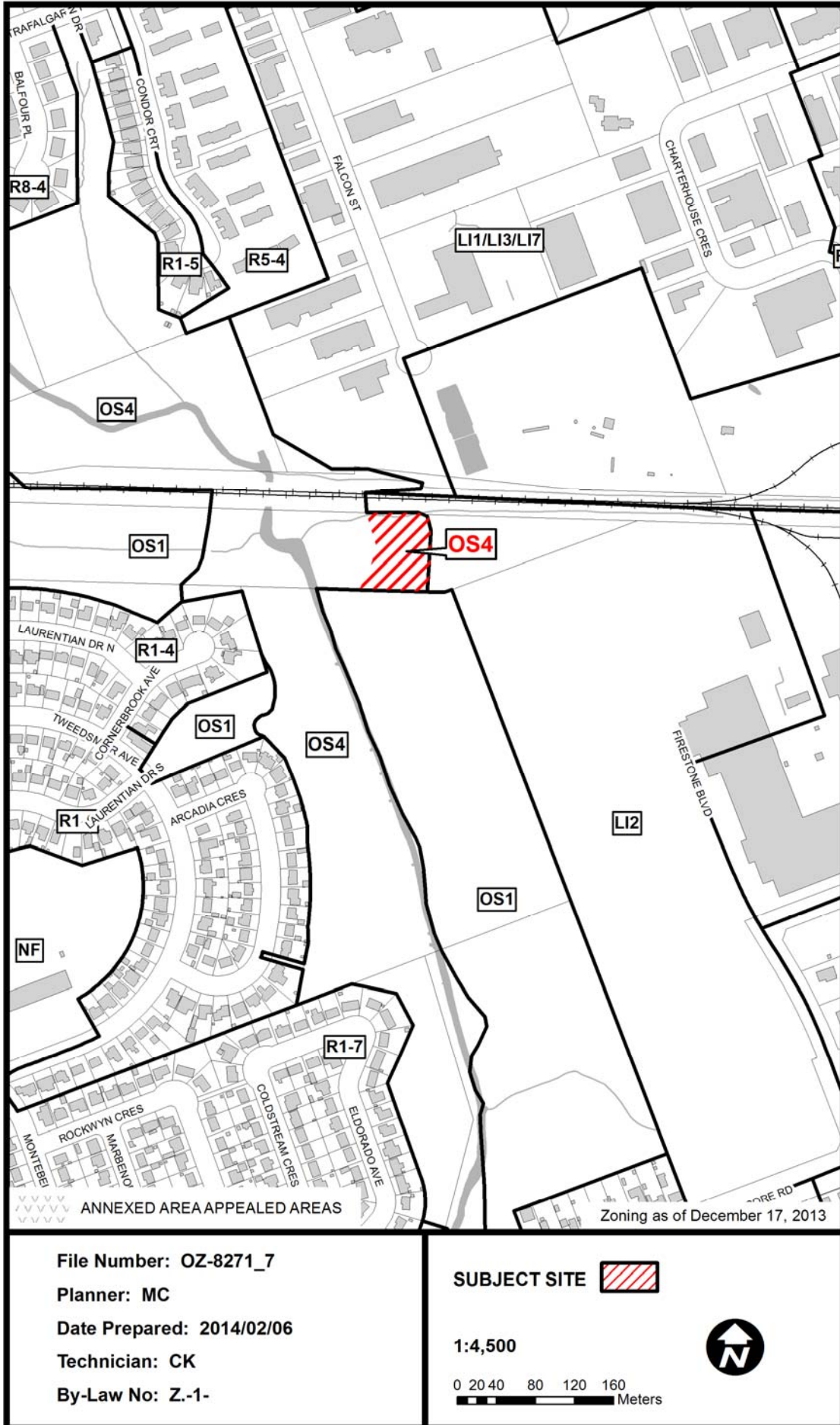
Catharine Saunders
City Clerk

First Reading - March 18, 2014
Second Reading - March 18, 2014
Third Reading - March 18, 2014

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AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z-1)



Geodatabase

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Appendix “C”

Patch # and Addresses	Recommended Action	Rationale and OP Significant Woodland Criteria met in the Patch
<p>04004 (31 Firestone Boulevard and 290 Hale Street)</p>	<p>Designate as OS on A Designate as Significant Woodland on B-1</p>	<p>Located in the Pottersburg Creek Subwatershed this patch is a large woodland (over 4 ha) associated with the Kiwanis Park ecosystem, contiguous with Pottersburg Creek. It contains an unusual community type of a Tamarack swamp as well as upland deciduous forest, meadows and shrub thickets. There is a small area of the patch that is designated as LI and it is recommended that this portion of wooded patch be designated as OS on Schedule A and retained on Schedule B-1 as part of the larger intact Significant Woodland.</p> <p>OP Criteria met: 15.4.5 i), 15.4.5 ii), 15.4.5 v)</p>